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1 adjustment of BJ Services.

2 Q. Okay. And what about the next phrase,
3 your district had the lowest year to date goal
4 attainment for the Longhorn region; is that true?

5 A. That is inaccurate as well. Because of
6 the inflated revenue added to my district, because
7 of the impact of BJ Services, that is inaccurate.

8 Q. Okay. And what about zero out of eight
9 AEs were at or above plan for your fourth quarter of
10 fiscal year '19; was that true?

11 A. That would be inaccurate also just because
12 once the removal of BJ Services and the alignment of
13 4G Dental, I could have had, if not the same as my
14 white peers, I would be equal to them.

15 Q. Okay. But that would only affect one or
16 two AEs, right?

17 A. Correct. But that would put --

18 Q. Okay.

19 A. -- me equal if not the same --

20 Q. So at --

21 A. -- or higher.

22 Q. So at best, six out of eight of your
23 AEs -- or two of eight of your AEs would be at or
24 above plan, correct?

25 A. Correct.

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1 Q. And what about, did your district fail to
2 meet plan four out of four quarters in FY19?

3 A. That is false also because I am impacted
4 by the negative adjustment of BJ Services.

5 Q. Okay. You were asked to create a PIP,
6 right, a performance improvement plan?

7 A. Yes.

8 Q. And she asked for you to send that to her
9 by close of business on July 3rd?

10 A. Yes.

11 Q. And then you would meet about it, correct?

12 A. Yes.

13 Q. Okay. And that's the same process that
14 you filed with Mr. Seagraves when you issued him a
15 letter of counseling, correct?

16 A. The difference is --

17 Q. No, ma'am. My question is --

18 A. Yes --

19 Q. -- did you --

A. -- that is correct.

21 9. Thank you.

Hand you what has been marked as

23 Exhibit 32. This is an email exchange between you
24 and Ms. Lamb about your PIP, correct?

25 (Exhibit 32 marked.)

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1 A. Yes.

2 Q. Do you recall how many categories were on
3 your PIP?

4 A. Four.

5 Q. Okay. And while you're creating your PIP,
6 you spoke to Dave Russell to get his input and
7 views, correct?

8 A. Yes.

9 Q. Okay. And you provided an updated action
10 plan to Michelle Lamb, correct?

11 A. Yes.

12 (Exhibit 33 marked.)

13 Q. Hand you what has been marked as
14 Exhibit 33. Ms. Harris, this is just in color.
15 You'll notice it's the -- it's your July 9th letter
16 to Ms. Lamb. It's basically the first couple pages
17 of Exhibit 32. Okay.

18 So if you go to the bottom of the first
19 page, that's one of your categories, right, the
20 bullet point that's in black?

21 A. Yes.

22 Q. Okay. And is the red comments that say,
23 on the top of page 2, How will this impact district
24 performance and how will it be measured, am I
25 correct that the red on this document is Ms. Lamb's

1 questions to you?

2 A. Yes.

3 Q. And then the yellow -- I think that's
4 yellow.

5 A. Yes.

6 Q. -- is your response to Ms. Lamb's question
7 in red; is that right?

8 A. Yes.

9 Q. Okay. And these are all the categories
10 that you had on your first PIP; is that right?

11 A. These are all of the strategies and
12 approaches that I was going to take that I'm not
13 100 percent sure if it outlines all the details in
14 the PIP.

15 Q. Okay. But do you recall there were, like,
16 seven action items that you were going to work on
17 addressing?

18 A. Strategies, yes.

19 Q. Okay. And that's what you and Ms. Lamb
20 agreed to?

21 A. We didn't agree because what I submitted
22 to her was different than what she requested.

23 Q. Okay. The stuff that's on Exhibit --
24 okay.

25 Based on your management experience, what

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1 was your expectation on what would happen regarding
2 your first PIP?

3 Let's take it if you were successful, you
4 successfully completed it, what would have happened?

5 A. That I wouldn't move forward to a letter
6 of warning and I wouldn't be targeted and retaliated
7 against.

8 Q. Okay. And if you were unsuccessful at
9 completing the PIP, what -- what is your
10 understanding as a manager would have happened to
11 you as the employee?

12 A. That the specifics in the letter of
13 counseling and the letter of warning would be
14 consistent and used to evaluate my white peers.

15 Q. Is your understanding that if an employee
16 doesn't successfully complete the PIP, a letter of
17 warning is typically issued?

18 A. If it's held to the same standard, it
19 should be, but I was not.

20 (Exhibit 34 marked.)

21 Q. Okay. Hand you what's been marked as
22 Exhibit 34.

23 Do you recall having a meeting with
24 Ms. Lamb in September of 2019 to go over your
25 performance on your PIP?

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1 A. Yes.

2 Q. Okay. And is Exhibit 34, does that
3 identify the seven categories you were being tracked
4 on in your PIP?

5 A. Yes and held to a different standard as my
6 white peers.

7 Q. Okay. And am I correct, ma'am, that the
8 boldface is the PIP and the unbold statement
9 underneath is what Ms. Lamb wrote to grade you on
10 your performance on the PIP?

11 A. Yes.

12 Q. Is that fair?

13 And Ms. Lamb informed you that she
14 believed you only met one of the objectives and that
15 your plan -- your district had now been under plan
16 for five consecutive quarters, correct?

17 A. That isn't correct because if I did not
18 have the negative adjustment of BJ Services, I would
19 not have had only one quarter, I would have had two
20 or more.

21 Q. Okay. So my question is: Ms. Lamb,
22 though, during your meeting -- I appreciate your
23 contention that the numbers aren't fair because of
24 BJ Services and 4G Dental and some of the other
25 things you talked about this morning. Okay?

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1 My question is: During the meeting in
2 September of 2019, September 14th, did Ms. Lamb go
3 over this document with you and highlight that she
4 believed you only met one of the objectives?

5 A. That she believed, yes.

6 Q. Okay. And did she tell you -- let's look
7 at the first bullet -- that the revenue gaps
8 increased from 1.19 million to 1.36 million?

9 A. What she doesn't say is the impact of
10 BJ Services, yes.

11 Q. Okay. Is she -- how about for -- and all
12 these things that are identified in the first
13 bullet, the scorecard is a weekly report; is that
14 right?

15 A. Yes.

16 Q. What's ROA?

17 A. We all had different ROAs. Mine was
18 return on -- I don't recall what the A was --

19 Q. Okay.

20 A. -- so I can't give you an accurate answer
21 on that.

22 Q. So were you -- is it your testimony that
23 you were the only manager in Michelle Lamb's group
24 that had a biweekly ROA?

25 A. Yes.

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1 Q. What about gap to goal, what's that?
2 That's how far you are -- strike -- is that how far
3 you are revenue-wise from your goal?

4 A. Of accomplishing the goal, yes.

5 Q. Okay. And is it correct that these
6 reports will show AEs' pricing activities,
7 opportunities, calls on opportunities, closes, and
8 efforts to close gaps by service?

9 A. Yes.

10 Q. Okay. What about the second bullet? Is
11 there a report -- did you hold your account
12 executives accountable for call management?

13 A. Yes.

14 Q. Account management?

15 A. Yes.

16 Q. Pipeline management?

17 A. Yes.

18 Q. Territory management?

19 A. Yes. Which is why on those same reports
20 that she used to falsely accuse me of poor
21 performance, it showed that I wasn't the lowest in
22 the region and was being treated unfairly compared
23 to my white peers. They were not held to the same
24 standard.

25 Q. What about -- is it true that three out of

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1 eight of your AEs did not meet the CBT expectation?

2 A. On her expectation listed in this PIP,
3 yes, but --

4 Q. Okay. The next one, what does it mean,
5 Collaborate to close, each MD AE will have one
6 target account they will work per month to
7 collaborate with their BSI AE to close?

8 Can you -- can you explain that to me?

9 A. Yes. Collaborate to close is an
10 initiative for the market development account
11 executives only. It did not apply to the strategic
12 development account executives. And they were to
13 collaborate with their inside sales aligned account
14 executive to close an account in a territory that
15 aligned to both of them.

16 Q. Okay. And you had three of six?

17 A. Yes.

18 Q. Okay. Next bullet says, quote, Goal is to
19 have 50 percent of the team over 100 percent
20 international in Q1 and continue the consistency and
21 grow that number for FY20.

22 And Ms. Lamb writes six out of eight AEs
23 on your team hit the international plan unadjusted.

24 So you met that objective, correct?

25 A. Yes.

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1 Q. And then you also had a target account
2 Global Healing for that quarter; is that right?
3 A. Yes.

4 Q. And are these all reports that could be
5 run? Calls on the target account opportunities,
6 what does that mean?

7 A. It means that there is a focus on not just
8 calling random customers, that they're identified as
9 an opportunity. Whether we can win brand-new
10 business or actually grow their business, it has to
11 be identified in the system so that then the report
12 will demonstrate that not only is it a call but
13 actually a call on opportunities. And so there's a
14 report that pulls down those details to be able to
15 demonstrate calls on -- on opportunities.

16 Q. Okay. And what's -- what does it mean
17 to -- to, quote, demonstration on the strategy,
18 close quote?

19 A. Can you repeat the question?

20 Q. Yeah. I'm just going through this.

21 The success of target accounts will be
22 measured by calls on the target account
23 opportunities, comma --

24 A. Uh-huh. Sure.

25 Q. -- and the next phrase is "demonstration

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1 on the strategy. "

2 What does that mean?

3 A. Being able to actually go through the
4 process of how we were going to actually win the
5 business. So we would have to be able to have
6 evidence that we actually moved forward with the
7 strategy that was outlined to try and win this
8 particular customer.

9 Q. And what -- joint call engagement is you
10 going on joint rides with the AE. Is that fair?

11 A. Yes, uh-huh.

12 Q. And she has pricing and solutions utilized
13 and activation rate once closed.

14 Can you briefly describe those three
15 concepts?

16 A. Yes. Pricing would be a discount program
17 that the customer was extended and accepted. So we
18 can extend it, but if the customer doesn't accept,
19 then it causes us to have to re-evaluate and change
20 steps in the strategy.

21 And then solutions utilized is are we
22 bringing in a technician who can analyze any
23 technology that could help the customer be able to
24 automate their shipping process, are there any
25 operations or packaging engineers needed for us to

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1 be able to really show the customer the benefit of
2 why they should move forward with FedEx. And so
3 those are a variety of things that were utilized to
4 focus on the target account.

5 Q. Okay. And what's activation rate once
6 closed? How much volume they actually ship?

7 A. Yes.

8 Q. Okay. And is it -- is it true that Global
9 Healing did not close in quarter 1?

10 A. That is correct. But I wasn't --

11 Q. The next bullet is pricing.

12 A. Uh-huh.

13 Q. And it says, MD's pricing expectation is
14 to average one pricing per week. SD's pricing
15 expectation is to price as needed based on
16 opportunities, earned discount growth, surcharge
17 extensions, protecting business all play a huge part
18 in their pricing activity.

19 So what -- is MD, is that Jennifer Lamb
20 (sic)?

21 A. No.

22 Q. That's you?

23 A. MD is market development.

24 Q. Go it.

25 A. That would be consistent with Joel

1 Hitchcock or with Jennifer Garcia, with Lynne
2 Hennessey.

3 Q. Sure.

4 And SD is strategic development?

5 A. Yes. That would be Laura Segovia and
6 Steve Whaley.

7 Q. And is Ms. Lamb correct that zero of the
8 six MDs you have on your team submitted one pricing
9 request per week?

10 A. That is inaccurate.

11 Q. So you're saying they did submit pricing
12 requests once per week?

13 A. It wasn't zero. It was around two or
14 three of my market development reps who submitted
15 pricing.

16 Q. Do you remember which two or three those
17 were?

18 A. I don't recall specifically which one, but
19 I do know that Neal Cross was even left off of the
20 allocation she used to evaluate my performance and
21 he was transitioned to my team. He was on the
22 report that was used or shown to me, it showed under
23 another manager, which is another demonstration of
24 her trying to falsely accuse me of poor performance.

25 Q. Okay. The last bullet on this PIP is you

1 had agreed to achieve a hundred percent attainment
2 to your goal in quarter 1, correct?

3 A. And I would have if I did not have that
4 negative adjustment of BJ Services.

5 Q. Okay. During your PIP meeting in
6 September, did you discuss Empower Pharmacy with
7 Ms. Lamb?

8 A. I don't recall if in that particular
9 meeting we discussed Empower. We discussed Empower
10 several times.

11 Q. Do you -- see if this refreshes your
12 memory.

13 Do you recall Ms. Lamb pointing out to you
14 that Empower Pharmacy is the only account in Dave
15 Russell's entire organization that is approved to
16 use their own packaging for FedEx One Rate?

17 A. I do recall they were part of that
18 program.

19 Q. Do you recall that they were
20 Mr. Russell's only customer that was allowed to
21 participate in that program?

22 A. I don't recall if they were the only
23 customer.

24 Q. You don't recall being told that?

25 A. I don't. I know there was a pilot because

1 FedEx wanted to allow customers to use their own
2 packaging, so I don't recall if Empower was the only
3 one in his division that was allowed to do so.

4 Q. Do you recall at some point when Empower
5 was under you and Laura Segovia that they went to
6 UPS?

7 A. They were already shipping with UPS. They
8 shipped with both of us. We were trying to win
9 majority of the business. So it wasn't that they
10 already were transitioning; it's that they were
11 already with them.

12 Q. Do you think it would be easier to gain
13 more business from a customer if they were allowed
14 to use their own packaging for the One Rate program?

15 A. If it aligned with solutions they needed
16 to conduct their business, yes. But it also didn't
17 justify any of the other solutions they needed.
18 Packaging just was one portion of the things they
19 were looking for for us to earn their business.

20 Q. Would you agree that you were being set up
21 to succeed in closing more Empower Pharmacy business
22 by having it be the customer that was allowed to use
23 their own package in the pilot for the FedEx One
24 Rate program?

25 A. That one factor, no.

1 Q. Okay. When you had the discussion about
2 your PIP and Ms. Lamb told you only met one of the
3 seven objectives, did you become disrespectful
4 during that meeting?

5 A. No.

Q. Did you become upset?

7 A. I became frustrated.

8 Q. And how did you exhibit your frustration
9 to Ms. Lamb, if you recall?

10 A. I did -- I shared with her that I didn't
11 agree with the changes that were made to the PIP.

12 Q. Did Ms. Lamb end that meeting suddenly?

13 A. I don't recall.

14 (Exhibit 35 marked.)

15 Q. Hand you what has been marked as
16 Exhibit 35. It's an email exchange between you and
17 Ms. Lamb.

18 What did -- it says you have some --
19 Michelle in her email to you at the bottom of the
20 page, she says, I saw some nice close -- closes
21 reported on the Newbi by Account tab.

22 | What's Newbi? New business?

23 A. Yeah. That was just a different way of
24 saying closed business tracking.

25 Q. Okay. The beginning part of the email to

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1 you, Ms. Harris -- Ms. Lamb is indicating that she's
2 concerned about the lack of new business or closed
3 business tracking that's going on on your team,
4 correct?

5 A. That is what she states but that's
6 inaccurate.

7 Q. And she goes on to say in the
8 second-to-last paragraph, quote, As we discussed
9 this report further, you referenced a couple
10 specific accounts and felt strongly they should have
11 activated but they may not have been reported
12 properly. I would like to hear more about the
13 specifics of those accounts in our next meeting one
14 week from today.

15 So you had raised concerns -- at least
16 some concerns that you thought the report was
17 inaccurate?

18 A. Yes. And it doesn't -- it isn't
19 consistent with her response that's saying that she
20 didn't see any closed business tracking because the
21 reports demonstrate that there was closed business
22 tracking. I actually was ranked in the top half of
23 closed business tracking for her region.

24 Q. Okay. And then you respond to Ms. Lamb's
25 email in the middle email, correct?

1 A. Yes.

2 Q. And you tell her that her expectations of
3 you are unrealistic, correct?

4 A. Correct.

5 Q. What expectation -- which of the
6 expectations were unrealistic?

7 A. The inconsistencies of her evaluating my
8 performance.

9 Q. What about -- going back to Exhibit 34.
10 Do you have Exhibit 34 in front of you?

11 A. I do.

12 Q. So these are the seven categories that
13 you're being tracked on for your PIP, right?

14 A. Yes.

15 Q. Which of these expectations -- which of
16 these seven do you think are unrealistic?

17 A. All of them --

18 Q. Okay.

19 A. -- because they're inconsistent with the
20 evaluation of my white peers.

21 Q. Okay. And then you go on and you ask her
22 in the next paragraph, you asked her to engage more
23 with your team, correct, on closing business --

24 A. Yes. That --

25 Q. -- and their performance, right?

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1 A. Yes. That aligns to my request to have
2 her demonstrate strategies and solutions on how we
3 would improve.

4 Q. And then Ms. Lamb responds to you. In
5 regards to that, she says, quote, I would be happy
6 to join a future call with your team to discuss
7 closed business expectations. Please get with Tammy
8 to coordinate a date and time for that conversation.

9 Did I read that right?

10 A. Yes.

11 Q. Did you schedule that future conversation
12 for Ms. Lamb to talk to your team?

13 A. I don't recall.

14 MR. BABCOCK: Okay. Why don't we go
15 ahead and take a break.

16 THE VIDEOGRAPHER: We're off the
17 record at 2:50.

18 (Recess 2:50 p.m. to 3:04 p.m.)

19 THE VIDEOGRAPHER: We are back on the
20 record at 3:04 p.m.

21 Q. Before we took a break, we were on
22 Exhibit 35. Do you still have that in front of you?

23 A. Yes.

24 Q. For those couple of accounts that you felt
25 should have been activated, I believe you testified

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1 you don't remember sitting here today which accounts
2 those were, correct?

3 A. Which accounts are you -- what part of
4 this exhibit are you referring to?

5 Q. If you look at the last paragraph of
6 Michelle Lamb's email to you on the bottom of the
7 page.

8 A. No, I don't recall.

9 Q. Okay. Do you recall what you did, if
10 anything, to follow up about those accounts?

11 A. Yes. I showed her in my continuous
12 one-on-ones that instead of the false allegation
13 that she provided that I wasn't performing, that I
14 actually was. And it demonstrated in the reports
15 that I was actually a top performer within her
16 region.

17 Q. She says in the first paragraph, quote,
18 What concerns me most is the fact that you haven't
19 been looking at CBT or these issues would have been
20 known to you.

21 Do you agree, ma'am, that you weren't
22 monitoring the CBT report closely enough?

23 A. I disagree. I monitored that on a regular
24 basis, which is how I was able to identify and
25 demonstrate to her that her accusation of falsely

1 accusing me of poor performance was wrong.

2 Q. But you do agree that closing business and
3 generating revenue for FedEx are core expectations
4 of sales leadership like yourself, correct?

5 A. Yes, and that's what we did.

6 Q. And it's also a core expectation for your
7 account executives, right?

8 A. Yes.

9 (Exhibit 36 marked.)

10 Q. Hand you 36. This is an 8/12/19 email
11 exchange between you and Ms. Lamb.

12 A. Yes.

13 Q. What did -- does your email to Ms. Lamb
14 show?

15 A. It's showing a graph of one of the tools
16 that I used to identify the top decliners in my
17 district.

18 Q. Were you aware that Charbonneau Industries
19 was the second largest decliner in your district for
20 quarter 1?

21 A. Yes.

22 Q. Okay. That's -- shows you in the graph
23 you were looking at?

24 A. Yes.

25 (Exhibit 37 marked.)

1 Q. Hand you Exhibit 37. It's a copy of your
2 9/13/2019 warning letter.

3 You received this warning letter, correct?

4 A. Yes.

5 Q. And you initiated the EXPLORE process
6 after you received this warning letter, right?

7 A. Yes.

8 Q. And you still had an attorney at that
9 point, correct?

10 A. Yes.

11 Q. When did you switch from your first
12 counsel to your current counsel?

13 A. I moved in January of 2021 so around about
14 that time frame.

15 Q. Okay. So it was well after your
16 termination?

17 A. Yes.

18 Q. Okay. And I'm correct you wanted your
19 attorney to participate in the EXPLORE process,
20 right?

21 A. Yes.

22 Q. As a result of this warning letter, you
23 were told to do another PIP, correct?

24 A. Yes.

25 Q. And you were asked to submit that to

1 Ms. Lamb, right?

2 A. Yes.

3 Q. And did the second PIP follow the same
4 process that the first PIP followed where you
5 provided her a draft and y'all worked on it together
6 and came to an agreement?

7 A. We did not work together. I created a
8 draft and then she made changes that I did not agree
9 with.

10 Q. Okay. And looking at the warning letter,
11 Ms. Lamb told you you failed to meet plan in FY19,
12 correct?

13 A. Correct.

14 Q. And she told you you failed to meet plan
15 in FY20 first quarter, correct?

16 A. That is what the letter says but that is
17 false.

18 Q. And she told you that in FY20 year to
19 date, your district had the lowest pricing activity
20 in the region; is that --

21 A. That's --

22 Q. -- is that true?

23 A. That is false.

24 Q. Okay. And she went over the parts of your
25 first PIP that she believed you didn't meet,

1 correct?

2 A. Yes.

3 Q. All right. We already discussed those
4 before our last break, right?

5 A. Yes.

6 (Exhibit 38 marked.)

Q. Handing you what's marked as Exhibit 38.

8 This is a copy of the action plan that was
9 ultimately --

10 A. Yeah.

11 Q. -- given to you to meet?

12 A. Yes.

13 Q. Okay. And do you recall, sitting here
14 today, what parts of the action plan you disagreed
15 with?

16 A. All of it.

17 Q. Okay. And so what did you suggest as your
18 action plan? Do you recall that?

19 A. I just asked that Michelle Lamb be
20 consistent with her evaluation of our performance
21 compared to my white peers. The reporting showed
22 that not only did several of my white peers not have
23 people who did not have market development reps who
24 couldn't achieve \$250 of closed business tracking,
25 in addition to they also had strategic development

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1 account executives who didn't hit \$1,000 of closed
2 business tracking, so why was I held to a different
3 standard than my white peers. And the only
4 determining factor in her evaluation was my race.

5 Q. And so if you look at Exhibit 33, you
6 didn't engage in a similar exercise with Ms. Lamb
7 regarding your first PIP as you did -- regarding
8 your second PIP as you did your first PIP, correct?

9 A. Repeat the question again.

10 Q. Do you have Exhibit 33 in front of you?

11 A. I do. I just got it.

12 Q. And if you look at the second page, it
13 shows the collaboration between you and Ms. Lamb,
14 right?

15 A. Yes. It shows --

16 Q. Okay.

17 A. -- details of the -- the PIP and then --

18 Q. So --

19 A. -- her questions and my response.

20 Q. And so my question to you is: You did not
21 engage in the same back-and-forth with Ms. Lamb for
22 your second PIP; is that right?

23 A. I don't recall.

24 Q. Okay. But you didn't -- is it fair to say
25 you didn't come up with these five categories on

1 Exhibit 38?

2 A. They were from Michelle Lamb.

3 Q. Okay. And -- but she discussed these
4 categories with you, right?

5 A. Yes.

6 Q. All right. And so she told you that each
7 of your -- for example, for the CBT, she wanted
8 100 percent of your MDs, needed to track their 250
9 average daily --

10 A. Net revenue.

11 Q. -- revenue in order to close territory
12 gaps in quarter 2, correct?

13 A. That is -- yes.

14 Q. And then for the strategic directors, she
15 wanted them to track \$1,000 average daily net
16 revenue, correct?

17 A. The strategic development, yes.

18 Q. Did you -- I just want to make sure I
19 understand your testimony, ma'am.

20 Do you believe the numbers should have
21 been different or do you think you shouldn't have
22 had to deal with CBT at all?

23 A. I think it should have been consistent.
24 If she was going to hold me to this standard, that
25 100 percent of my market development reps had to

1 close \$250 and 100 percent of my strategic
2 development account executives had to hit \$1,000, my
3 white peers should have been held to the same
4 standard.

5 It is inconsistent based on the closed
6 business tracking and gives evidence that my white
7 peers did not have or meet this expectation but yet
8 I was held to it in this Q2 action plan.

9 Q. Okay. Was there ever a time in your
10 relationship with Ms. Lamb that you didn't think she
11 was being racist?

12 A. No.

13 Q. You thought she was racist the entire time
14 you worked for her?

15 A. Yes, because she already had a perception
16 that I wasn't qualified for leadership or the
17 manager role for field sales because she had a
18 conversation with Grant Kuhn who never thought I
19 should be in leadership and spoke in front of
20 several inside sales managers and told them if he
21 ever had an opening, he wouldn't hire me.

22 Q. Okay. And when did this conversation
23 occur between Ms. Lamb and Grant Kuhn?

24 A. I don't know when they had a conversation.
25 He was the director prior to her taking over, so I'm

1 sure they had several conversations.

2 Q. Did you ever ask Ms. Lamb if she had a
3 conversation with Grant Kuhn about you?

4 A. No. I didn't need to because several
5 other people, including Brian Conrey, told me that
6 Grant Kuhn expressed the same opinion to him as
7 well.

8 Q. Okay. So you're just assuming that
9 Mr. Kuhn and Ms. Lamb had a conversation about you,
10 correct?

11 A. It is common knowledge that Michelle Lamb
12 and Grant Kuhn had a conversation. I just was not
13 there, so I can't verify or give you a specific date
14 or time when it actually happened.

15 Q. Is it common knowledge that Grant Kuhn and
16 Michelle Lamb had a conversation about you?

17 A. Yes.

18 Q. And explain that common knowledge to me.

19 A. I just shared with you that Brian Conrey
20 had a conversation directly with Grant Kuhn, and he
21 expressed those same details with him, that he
22 didn't feel I was fit to be in management or to be a
23 leader, and if he had a position in his region, that
24 he wouldn't hire me.

25 Q. Is there any particular reason you didn't

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1 relay that concern to Dave Russell or Dan Mullally?

2 A. No. I wanted to give Michelle a fair
3 chance to build her own relationship with me. And
4 at the time, there was not any examples or actions
5 made from her that demonstrated the discrimination
6 or retaliation.

7 Q. I thought you testified earlier that when
8 she told you to consider finding a job somewhere
9 else in FedEx, that that occurred in the early
10 March 2019 meeting you had about Coach2Grow,
11 correct?

12 A. Michelle took over in 2017. The
13 conversation I'm referring to with Brian Conrey and
14 Grant Kuhn happened prior to June 2017.

15 Q. Okay. But you sent an email to Dave
16 Russell and Dan Mullally after you believed Michelle
17 Lamb was discriminating against you, correct?

18 A. Correct.

19 Q. Why in your email to Dave Russell and Dan
20 Mullally did you not bring up your suspicions about
21 a conversation that Brian Kuhn (sic) may have had
22 with Michelle Lamb?

23 MR. SANFORD: Objection; form.

24 A. That Grant Kuhn -- because at the time, as
25 I shared, I wanted to give Michelle a fair chance to

1 build her own relationship with me and not assume
2 that she was going to take the feedback or
3 perception from Grant Kuhn literally and actually
4 act out discrimination and retaliation against me.

5 Q. Okay. Going back to Exhibit 38, do you
6 agree under International that at the time this
7 action plan was made, the current attainment was
8 86.1 percent with six out of your eight AEs missing
9 international plan?

10 A. I don't recall that exact number.

11 Q. Okay. And for pricing, she -- she --
12 Ms. Lamb told you that success would be measured
13 based on MD pricing submissions averaging out to one
14 per week in quarter 2. Correct?

15 A. That is what it says, yes.

16 Q. And for collaborating to close, Ms. Lamb
17 informed you that each MD on the team needed to be
18 working at least one collaborate to close
19 opportunity in quarter 2, right?

20 A. That is what it says.

21 Q. Okay. And that's what Ms. Lamb told you
22 was her expectation, correct?

23 A. Yes.

24 Q. Okay. So Ms. Lamb told you all these -- I
25 don't know if you call them carets, little arrow,

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1 those were her expectations of you for quarter 2,
2 correct?

3 A. Yes.

4 Q. December of 2019, do you recall having a
5 meeting with Ms. Lamb where you discussed your
6 performance on the action plan?

7 A. I don't recall that specific date, but I
8 had several conversations with her in regards to the
9 performance.

10 Q. Do you recall that at the beginning of
11 that meeting, you had a discussion about Laura
12 Segovia's letter of counseling update?

13 A. I don't recall specifically when that was,
14 but we had several conversations about Laura
15 Segovia.

16 Q. Do you recall having a conversation with
17 Michelle Lamb where you walked through Laura's PIP
18 and demonstrated that Laura had successfully
19 completed all of her objectives?

20 A. I don't recall that meeting specifically,
21 but I did share the details of Laura's letter of
22 counseling and her performance improvement plan with
23 Michelle Lamb.

24 Q. Do you recall that Ms. Lamb had a meeting
25 with Laura Segovia in early December of 2019?

1 A. I don't recall. Michelle had several
2 meetings with Laura.

3 Q. Do you recall Ms. Lamb relaying to you
4 that Laura wished she had more support from you as
5 her manager?

6 A. I don't recall.

7 Q. Do you recall Ms. Lamb telling you that
8 that's why Laura was going to Brian Conrey for
9 strategy sessions?

10 A. No, I don't recall. I encouraged Laura to
11 collaborate with Brian Conrey and myself so that she
12 could try to get additional strategies from him on
13 winning Empower.

14 Q. Do you recall Ms. Lamb telling you that
15 Laura wanted to apply for an open position in Jen
16 Amix (phonetic) --

17 A. Amix.

18 Q. -- Amix's organization?

19 A. Yes.

20 Q. Okay. When you had a conversation with
21 Ms. Lamb about the action plan that's referenced in
22 Exhibit 38, did you admit to her that you failed to
23 meet three out of the five objectives?

24 A. No, because these were false accusations.

25 Q. Do you recall having a meeting with

1 Michelle Lamb where you went through each of these
2 five items on Exhibit 38 and you had a discussion
3 with Ms. Lamb on whether or not you met the
4 requirements?

5 A. I had a discussion with her about the
6 requirements. I don't recall having a discussion
7 with her about not hitting the requirements.

8 Q. Do you -- so is it your testimony, ma'am,
9 that Ms. Lamb never closed out the second PIP?

10 A. She did because I was terminated.

11 Q. Okay. And to close out a PIP, she would
12 need to talk to the employee who was on the PIP,
13 correct?

14 A. No, she could talk to HR because she
15 doesn't have to consult with me to terminate me.

16 Q. Okay. Is it your -- so your testimony
17 today is you don't recall Ms. Lamb ever discussing
18 the second PIP with you?

19 A. I never said that. I said we discussed
20 it. Your other question was did we close it out.
21 We discussed the PIP and reviewed those details
22 highlighted in the PIP.

23 Q. Okay. And do you recall discussing the
24 details highlighted in the PIP on whether or not
25 your team successfully met those objectives?

1 A. I do not.

2 Q. Do you recall Ms. Lamb telling you that as
3 of 12/5/2019, one -- looking at Exhibit 38, one of
4 your MDs failed to meet this requirement on the
5 close to business tracking?

6 A. I don't recall; she could have.

7 Q. Do you recall that she told you that as of
8 12/5/2019, two strategic directors failed to meet
9 this requirement?

10 A. As I shared, I don't recall this
11 specifically but she could have.

12 Q. Do you recall her telling you that your
13 team didn't meet the international requirement
14 referenced in the action plan?

15 A. I don't recall her going through the
16 completion or conclusion of this action plan.

17 Q. Do you recall -- but you don't deny that
18 she did, you just don't remember it?

19 A. Correct.

20 Q. Okay. See if this refreshes your memory.
21 Do you recall involving pricing -- so the third
22 category on Exhibit 38.

23 Do you recall Ms. Lamb informing you that
24 the requirement was not met because four out of six
25 MDs did not meet this requirement?

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1 A. I don't recall her specifically
2 identifying those, no.

3 Q. And do you recall on the fourth one,
4 collaborate to close, that Ms. Lamb told you the
5 requirements had been met?

6 A. I do not recall if she gave me an update
7 on how the results of this particular collaborate to
8 close ended, no.

9 Q. And on Exhibit 38 under Performance where
10 you have the different types of FedEx Service
11 offerings --

12 A. Uh-huh.

13 Q. -- listed and with a percentage, those
14 were the goals that Ms. Lamb told you you needed to
15 meet, correct?

16 A. No. That demonstrates what my actual
17 goals were is what she stated, but it's actually
18 inaccurate because it does not include the addition
19 of 4G Dental and the removal of BJ Services.

20 Q. Okay. But this is what Ms. Lamb told you
21 she expected you to meet, correct?

22 A. That is correct.

23 Q. Okay. And did she go over what your
24 percentages were for those four different service
25 offerings; do you recall?

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1 A. I do not.

2 Q. Does it refresh your memory at all, ma'am,
3 that after Ms. Lamb went through your second PIP
4 action plan December of 2019, that you asked her if
5 you will have another meeting and Ms. Lamb told you
6 that will be scheduled ad hoc and more than likely
7 follow the holidays? Do you recall that?

8 A. I don't, but I know I was terminated
9 shortly after that.

10 Q. After what?

11 A. In January so after the holiday.

12 (Exhibit 39 marked.)

13 Q. Okay. Handing you what has been marked as
14 Exhibit 30.

15 MR. SANFORD: 30? We skipped over --
16 oh.

17 Q. What does it say?

18 A. It says 39.

19 Q. 39. Thank you.

Exhibit 39 is the termination letter dated
1/7/2020.

You received a copy of this letter, right?

23 A. Yes.

24 Q. Okay. And you went through the EXPLORE
25 process regarding this letter, correct?

1 A. Yes.

2 Q. Returning to 38, it's your belief that
3 Ms. Lamb put you on your second PIP because of your
4 race, correct?

5 A. Yes.

6 Q. In other words, had you been a race other
7 than black, Ms. Lamb would have not put you on the
8 PIP. Is that your contention?

9 A. Yes.

Q. And again, at the time you were terminated
you were represented by a law firm, correct?

12 A. Yes.

13 Q. And you wanted that law firm to
14 participate in the EXPLORE process, correct?

15 A. Yes.

16 Q. Okay.

17 MR. BABCOCK: Let's go off the record
18 for a minute.

19 THE VIDEOGRAPHER: Off the record at
20 3:27.

21 | (Recess 3:27 p.m. to 3:37 p.m.)

22 THE VIDEOGRAPHER: We are back on the
23 record at 3:37 p.m.

24 (Exhibit 40 marked.)

25 Q. All right. Exhibit 40 is an email

1 exchange between you and Ms. Lamb dated August 4,
2 2017.

3 This is where you're informing your boss
4 you had jury duty and you were having some surgery;
5 is that correct?

6 A. Yes.

7 Q. And Ms. Lamb the telling you -- asking if
8 you have a ride for your surgery because she would
9 be happy to take you if needed, correct?

10 A. It doesn't specifically say she would give
11 me a ride; she just says, Do you have a ride.

12 Q. It says -- Michelle says, quote, Thanks.
13 Do you have a ride on the 11th? Would be happy to
14 take you if needed, close quote.

15 Did I read that right?

16 A. I didn't see that part. Yes.

17 Q. Okay. And you informed her that you were
18 fine, you did not need a ride, right?

19 A. Correct.

20 Q. Did it surprise you that Ms. Lamb was
21 going to offer you a ride if you think she's a
22 racist?

23 A. At that time, no.

24 Q. At that time you didn't think she was a
25 racist or at that time you weren't surprised she was

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1 offering you a ride?

2 A. Both. I did not -- was not surprised that
3 she offered me a ride, and at that time, I didn't
4 think she was a racist.

5 Q. I may have misunderstood your earlier
6 testimony.

7 When did you develop the opinion that
8 Ms. Lamb was a racist?

9 A. After I had my own experience with her
10 over and over and discrimination and retaliation.

11 Q. And did those experiences start when she
12 had the meeting with you about Coach2Grow 2.0 and
13 told you maybe you should find a different job at
14 FedEx?

15 A. Yes.

16 Q. Okay.

17 MR. BABCOCK: Let's go ahead and go
18 off the record.

19 THE VIDEOGRAPHER: We're off the
20 record at 3:39.

21 (Off-the-record conversation.)

22 THE VIDEOGRAPHER: Back on the record
23 at 3:40.

24 Q. Ms. Lamb, we had a -- Ms. Lamb.

25 Ms. Harris, excuse me, we had a colloquy

1 off the record. Can you -- I was confused about
2 your earlier testimony about Ms. Lamb -- your
3 opinion that Ms. Lamb was a racist.

4 Can you describe for me again what your
5 perception was and is?

6 A. I shared with you that there was a
7 perception from Grant Kuhn that I wasn't qualified
8 to be a leader, and in his opinion, if he had any
9 open positions, he wouldn't hire me.

10 Q. Okay.

11 A. And those details were shared with
12 Michelle Lamb. At the time, she had not
13 demonstrated any discrimination or retaliation
14 against me, and I didn't feel the need to report
15 that to Dave Russell or HR because I didn't want to
16 assume she would believe the perception of someone
17 else.

18 Q. Again, right before we just went off the
19 record, you developed that opinion that Ms. Lamb was
20 a racist after you had -- during the meeting you had
21 about the Coach2Grow and she told you to find a
22 different job at FedEx. Is that fair?

23 A. In addition to her negative adjustment of
24 BJ Services, the inaccurate alignment of 4G Dental,
25 and her going into that customer and not properly

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1 holding the account manager, which was my white peer
2 Brian Conrey, accountable for making sure that I
3 received the positive revenue for that and holding
4 me to a different standard than my white peers.

5 After that, I believe that because of
6 Michelle's actions and responses, that the
7 determining factor in her evaluating my performance
8 was my race.

9 Q. Regarding the BJ Services issue, you
10 identified it in 2017, right, the fall of 2017,
11 correct?

12 A. October 2017, yes.

13 Q. And there's email traffic between you and
14 Ms. Lamb that we went over starting in January
15 of 2018, correct?

16 A. Correct.

17 Q. And at the time that email traffic started
18 in January of 2018, had you formed your opinion that
19 Ms. Lamb was a racist?

20 A. Yes.

21 Q. Okay. Because the 4G Dental customer
22 issue occurred after that time period, correct?

23 A. Correct. But BJ Services happened during
24 that time frame.

25 Q. Okay. And was the BJ Services the

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1 earliest incident or issue that you identified that
2 caused you to believe Ms. Lamb was a racist or is a
3 racist?

4 A. No.

5 Q. What was the earliest issue?

6 A. It was the comment that she made in March
7 that also identified as her being a racist.

8 Q. Okay.

9 A. So it's not just one; it's the
10 BJ Services, it's the 4G Dental, it's the
11 inconsistencies of evaluating my performance --

12 Q. If we --

13 A. -- all of those things.

14 Q. If we look at -- I'm trying to understand
15 when the earliest date was.

16 The comment that was made to you to
17 self-demote was March of 2019?

18 A. That is correct.

19 Q. That's after the emails you were
20 exchanging with her about BJ Services, which were in
21 January of 2018, right?

22 A. Correct. So BJ Services started before
23 then.

24 Q. Correct.

25 Is there any issue that leads you to

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1 believe or led you to believe that Ms. Lamb was a
2 racist that occurred prior to the emails involving
3 BJ Services in January of 2018?

4 A. No.

5 Q. Thank you.

6 MR. BABCOCK: All right. Let's go off
7 the record.

8 THE VIDEOGRAPHER: Off the record at
9 3:44.

10 (Recess 3:44 p.m. to 3:58 p.m.)

11 THE VIDEOGRAPHER: We are back on the
12 record at 3:58.

13 (Exhibit 41 marked.)

14 Q. Hand you what has been marked as
15 Exhibit 41. It's an email exchange between you and
16 Ms. Lamb, dated January 12 of 2018.

17 And this is a concern you brought to
18 Ms. Lamb that you needed her help with, correct?

19 A. I'm reviewing it.

20 Yes, issues with a pickup.

21 Q. Okay. And Ms. Lamb responds to you, Good
22 morning, Jennifer. I will elevate to Shawn's MD,
23 Clint McCoy. Correct?

24 It's on the first page.

25 A. Yes.

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1 Q. And then you respond to Ms. Lamb, Good
2 morning, Michelle. Thanks. I appreciate it.
3 Right?

4 A. Yes.

5 Q. So Ms. Lamb was elevating a concern that
6 you had to a managing director even though, at this
7 point in time, you developed the opinion that she
8 was a racist, right?

9 A. This email says it was in January. I
10 identified Michelle Lamb as being racist in March.

11 Q. At the meeting you had with -- where she
12 told you to find a new position?

13 A. Yes.

14 Q. And about Coach2Grow 2.0?

15 A. Yes.

16 (Exhibit 42 marked.)

17 Q. Okay. Hand you what has been marked
18 Exhibit 42.

19 What's the 110 percent Club?

20 A. It means that an account manager or a
21 district sales manager has reached the attainment of
22 110 or above.

23 Q. Okay. And so you set a meeting -- a lunch
24 engagement with Ms. Lamb because of the 110 percent
25 Club achievement, correct?

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1 A. I was given an opportunity to pick my
2 reward, and that was one of the options for me to
3 pick a reward where we went to lunch and did a
4 manicure and pedicure.

5 Q. Okay. And this is around April of 2018,
6 correct?

7 A. Yes.

8 Q. All right. And so Ms. Lamb was willing to
9 go to lunch with you and have a mani and pedi
10 appointment with you even though you believed she
11 had racist intentions; is that right?

12 A. Yes.

13 | (Exhibit 43 marked.)

14 Q. Hand you what has been marked as
15 Exhibit 43. This is a June 18, 2018, email exchange
16 between you and Ms. Lamb where on June 15 you were
17 asking Ms. Lamb for a write-off.

18 And Ms. Lamb wrote to you on June 17th
19 saying, quote, Hello, I approve this write-off
20 request and have highlighted the requested
21 information below. Please advise if further
22 questions exist. Thank you.

23 Did I read that right?

24 A. Yes, data process.

25 Q. And then --

1 A. -- was required.

Q. And then you respond to her, Thanks for your help with this. I really appreciate it.

4 Correct?

5 A. Yes. Because she was the person who could
6 approve it. Without her approval, it couldn't be
7 done.

8 Q. And Ms. Lamb was approving this request
9 for you even though by this point in time you
10 believed she had racist intentions, correct?

11 A. Yeah, because that was her responsibility.
12 I couldn't approve write-off requests.

13 (Exhibit 44 marked.)

14 Q. Exhibit 44, it's an email exchange from
15 July of 2018.

At the bottom, Ms. Lamb writes to you and it looks like her entire team in which she says, quote, Hi Team, due to the importance of cost cutting, our joint region meeting with Chicago is being canceled (for now anyways). Please mark your calendars for 8/3 -- 13 and 8/14 as potential dates for our next meeting, which will take place somewhere in the Houston area. I'll pass along more information as I have it, closed quote.

25 Did I read that right?

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1 A. Yes.

2 Q. Okay. So there was some cost cutting
3 going on in June of 2018. Fair?

4 A. Yes.

5 (Exhibit 45 marked.)

6 Q. Hand you what's been marked as Exhibit 45.
7 This is an email exchange between you and Ms. Lamb
8 in September of 2018.

9 And on September 17th, and in part you
10 write, quote, They are looking at putting a facility
11 in Memphis near our hub. Would it be possible for
12 us to cover the cost of doing a hub tour with two of
13 our executives, close quote.

14 Did I read that request right?

15 A. Yes.

16 Q. And she said -- Ms. Lamb responded to you,
17 quote, Hi, Jennifer, I would be happy to investigate
18 the possibility of us providing them with a hub
19 tour. Will you please send me a separate email
20 outlining our justification for the invitation
21 (opportunity size, names and titles attendees,
22 et cetera)? I will then send to Dave and request
23 his approval.

24 Then you respond to her, and you end your
25 email, "I appreciate your help," correct?

1 A. Yes.

2 Q. Did a hub tour ever take place?

3 A. No.

4 Q. Did the customer end up putting a Memphis
5 facility in?

6 A. They were still thinking about it at that
7 particular time.

8 Q. Okay. And so Ms. Lamb was willing to help
9 you try to get a customer a hub tour in September
10 of 2018 even though you believed she was a racist,
11 right?

A. Yes, that is correct.

13 (Exhibit 46 marked.)

Q. Hand you what has been marked Exhibit 46.

15 MR. BABCOCK: Hand that back to make
16 sure I don't have writing on your copy, Mr. Sanford.

17 MR. SANFORD: Oh --

18 MR. BABCOCK: Just make --

19 MR. SANFORD: -- do I have it?

20 MR. BABCOCK: Just make sure I don't
21 have writing on the second page.

22 MR. SANFORD: Oh, okay.

23 MR. BABCOCK: I don't think I do.

24 Perfect.

25 Q. This is your email that you sent to

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1 Michael Clark on March 20th of 2019, correct?

2 A. Yes.

3 Q. And it says at the beginning, It was great
4 speaking with you today.

5 So you had -- this is when you had your
6 phone conversation with Mr. Clark?

7 A. Yes.

8 Q. To discuss the concerns you raised about
9 the meeting you had with Michelle Lamb where she
10 asked you to self-demote, right?

11 A. And my other concerns with BJ Services,
12 Global Gold Rush, FedEx One Rate, and other details
13 with Pathway and the inconsistencies of how she
14 treated me against my white peers.

15 Q. Okay. And was your goal to provide
16 Mr. Clark with examples of the unfair treatment you
17 received from Lamb up until that point in time?

18 A. Yes.

19 Q. Okay. Had you visited with an attorney
20 yet about your experiences at the time you wrote
21 this email?

22 A. Yes.

23 Q. Did you have help writing this email?

24 A. They evaluated but the details came from
25 me.

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1 Q. Okay. And please when we tread around
2 topics about your attorneys, try to answer my
3 question because I'm not entitled to know about
4 conversations you had with anyone that you may have
5 visited with. Okay?

6 A. Okay.

7 Q. And so if you answer my question, I'll do
8 a good job of hopefully not delving into that
9 material.

10 All right. And so am I correct your
11 attorneys reviewed the email before you submitted it
12 to Michael Clark?

13 A. Yes.

14 (Exhibit 47 marked.)

15 Q. Okay. Hand you what has been marked as
16 Exhibit 47. This is the June 28th ethics case which
17 references a June 26th date.

20 A. No. Prior to today, I have never seen
21 this.

Q. Okay. And do you recall ever filling out
on a website concerns you were having at FedEx?

24 A. Yes.

Q. Okay. If you go to page 2 of this

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1 document, which is FXC 8, it says, quote, Jennifer
2 is concerned that she's being retaliated against due
3 to filing an EEO just after receiving a letter on
4 June 3, 2019, which is attached that states, quote,
5 Each issue brought forth has been thoroughly
6 investigated with the determination that corrective
7 action will be taken, close quote.

8 Do you recall raising a concern that you
9 thought you were being retaliated against in late
10 June of 2019?

11 A. Yes.

12 Q. Okay. And who did you raise that concern
13 with?

14 A. I went to Michael Clark with an email, as
15 well as Kristie Castilow.

16 Q. Okay. It says at the end, Jennifer states
17 that it has been 23 days since this letter and
18 things haven't improved; yet, it has gotten worse.

19 Did I read that right?

20 A. Yes.

21 Q. Is that part of the concern you were
22 raising at that time?

23 A. Yes, at that time.

24 Q. And the 23 days since the letter, that's
25 the letter of counseling, correct?

1 A. Yes.

2 Q. Okay. And what happened during that 23
3 days that caused you to tell FedEx that things had
4 gotten worse?

5 A. The timeline is I make a complaint,
6 23 days later I'm given a letter of counseling with
7 the requirement of a performance improvement plan.
8 That outlines details that could highlight
9 retaliation. I complain; I'm given a letter of
10 counseling. That process continued throughout my
11 complaint process with HR.

12 (Exhibit 62 marked.)

13 Q. Okay. It's out of order, Ms. Harris, but
14 the record will be fine. This is Exhibit 62.

15 MR. BABCOCK: 62, Brian.

16 Q. This is the June 3, 2019, letter you got
17 from Ms. Clark (sic), and that's the letter you're
18 referencing in Exhibit 47, correct?

19 A. Yes.

20 MR. BABCOCK: Where did we go to?

21 THE WITNESS: 62.

22 MR. BABCOCK: What was after 62? 47?

23 Q. Okay. And looking at Exhibit 62, that's
24 not the only closure letter you received from
25 Michael Clark, correct?

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1 A. Correct.

2 (Exhibit 48 marked.)

3 Q. Hand you what has been marked as
4 Exhibit 48.

5 Is this another closure letter you
6 received?

7 A. Yes.

8 THE WITNESS: This says 48, not 62.

9 Are we going backwards?

10 MR. BABCOCK: Yeah, 62 was marked out
11 of turn.

12 THE WITNESS: Okay.

13 MR. SANFORD: They can do that. They
14 can order it however they want to order it.

15 THE WITNESS: Okay.

16 Q. And we already discussed your warning
17 letter, but you entered to the EXPLORE process after
18 that, right?

19 A. Yes, because I was concerned after now
20 several complaints to HR that FedEx wasn't
21 protecting me; they were targeting me.

Q. And you actually inputted the information
in the EXPLORE process online, right?

24 A. Yes.

Q. I'm just going to go with the numbers.

1 Here is Exhibit 54.

2 This is your first EXPLORE, right?

3 (Exhibit 54 marked.)

4 A. I'm looking at the details. One moment.

5 (Reviewed document.)

6 Yes.

7 Q. Okay. And you didn't receive any
8 follow-up with this because at the time, you had an
9 attorney that you wanted involved in the process,
10 right?

11 A. Yes.

Q. And FedEx wouldn't permit that?

13 A. Correct.

14 Q. Okay. And then you complained again after
15 you received the warning letter, correct?

16 A. Yes.

Q. All right. How did you raise your
complaint in December of 2019, do you recall, ma'am?

19 A. I sent a message to Michael Clark.

20 (Exhibit 55 marked.)

21 Q. Okay. Hand you what has been marked as
22 Exhibit 55.

23 You testified earlier that you hadn't seen
24 any EthicsPoints until today, correct?

A. That is correct.

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1 Q. If you go to page 2 of this document,
2 there's -- under "provide a brief description,"
3 someone entered in information, correct?

4 A. Yes.

5 Q. And looking at the information, where it
6 says, Please see the details below of my ongoing
7 complaint of retaliation, humiliation,
8 discrimination treatment by Michelle Lamb, and then
9 it goes on, is that the information you were
10 providing to Mr. Clark?

11 A. For the follow-up complaint, yes --

12 Q. Okay.

13 A. -- not for the initial.

14 Q. Correct.

15 In the first paragraph, five lines from
16 the bottom, it says, quote, While I didn't meet all
17 my goals in the action plan, I did demonstrate
18 improvement in my teams.

19 Did I read the first part of that sentence
20 correctly?

21 A. Yes.

22 Q. All right. So you admitted to Mr. Clark
23 that you had not met all the goals in your action
24 plan, correct?

25 A. That is correct. He also knew that those

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1 goals were falsely created different from the
2 expectation of my white peers.

3 Q. Okay.

4 A. It specifically talks about details of two
5 of my white peers, Brian Hickman and Jaime
6 Golden-McElroy.

7 Q. Okay. And then if you go on to page 3 of
8 this document, the first paragraph under -- talks
9 about the Pathway program, correct?

10 A. Yes.

11 Q. Then you talk about a Travis coming to
12 Houston, right, in the second paragraph?

13 A. Yes. It's inconsistent with Michelle's --

14 Q. Is that -- is it Travis Tiernan?

15 A. Yes.

16 Q. Okay.

17 A. This --

18 Q. And when do you recall him coming to
19 Houston? Was that towards the end of that calendar
20 year --

21 A. November --

22 Q. -- of 2019?

23 A. Yes.

24 Q. So it was November 2019?

25 A. Yes.

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1 Q. Okay.

2 A. It's inconsistent with Michelle --

3 Q. And you also -- there's no question
4 pending, ma'am.

5 Do you have -- did you -- do you recall,
6 ma'am, did you have any follow-up conversations with
7 Mr. Clark after you raised this -- these concerns to
8 him?

9 A. I don't recall if I had a follow-up
10 conversation with him. After this, he sent me
11 several questionnaires confirming details of the
12 information that I submitted. But I don't recall at
13 this time what date or when that took place.

14 (Exhibit 56 marked.)

15 Q. Okay. Hand you what has been marked as
16 Exhibit 56. If you go to the second page of this
17 document, Exhibit 56, it mentioned you were -- I was
18 ultimately terminated on January 7, 2020. Correct?

19 A. Yes, that is correct.

20 Q. Okay. So this was your second -- the
21 EXPLORE you put in after your termination, correct,
22 Exhibit 56?

23 A. I'm just looking at Exhibit 54 and 56
24 because it has the date issue occurred 1/7/2020,
25 both of them have that, so I'm trying to identify

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1 which of these EXPLORE processes this was, was it
2 after the letter of warning or after termination,
3 because it already lists -- termination listed on
4 there, both of them do.

5 Q. Okay. But Exhibit 56 doesn't --
6 Exhibit -- I'm sorry, what was the other exhibit
7 you're looking at, Miss?

8 A. 54.

9 Q. 54 does not talk about your termination on
10 page 2 under explain why management's action -- oh,
11 it does.

12 A. Yes. That's why I'm saying these --
13 something is not accurate.

14 Q. Okay.

15 A. Yet again another example of FedEx not
16 protecting me; they targeted me.

17 Q. The documents came from your lawyers,
18 ma'am.

19 A. Well, this says it's an EXPLORE Complaint
20 Intake, so that --

21 Q. Okay.

22 A. -- would mean it went to an HR adviser
23 within FedEx.

24 Q. I'm going to show you -- but in any event,
25 you did enter the EXPLORE process after your

1 termination, right?

2 A. That is correct. So it should be two
3 separate reports.

4 (Exhibit 57 marked.)

5 Q. I'm going to show you Exhibit 57.

6 This is a letter you received in late
7 January of 2020 from Dave Russell about your -- his
8 decision in the EXPLORE process, correct?

9 A. Yes.

10 Q. Okay. And I didn't see any record of you
11 going to step 2.

12 Did you go to step 2 of the EXPLORE
13 process?

14 A. I did.

15 Q. How did you count -- how did you enter the
16 step 2 of the EXPLORE process?

17 A. I FedEx'd a letter to Dan Mullally.

18 Q. Okay. Did you ever get a response from
19 Mr. Mullally?

20 A. I don't recall if I got a response, but I
21 got confirmation that the package with my letter was
22 received.

23 Q. Okay. Did you save a copy of that --

24 A. I do.

25 Q. -- packet?

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1 A. Yes.

2 Q. Have you provided that to your attorneys?

3 A. Yes.

4 MR. BABCOCK: Let me go off the record
5 for a second, please.

6 THE VIDEOGRAPHER: We're off the
7 record at 4:22.

8 (Recess 4:22 p.m. to 4:26 p.m.)

9 THE VIDEOGRAPHER: We're back on the
10 record at 4:26.

11 (Exhibit 63 marked.)

12 Q. Hand you what has been marked as
13 Exhibit 63. If you look at the first page of this
14 document -- I appreciate, Ms. Harris, that you
15 haven't seen these documents until today's
16 deposition -- you'll see where it says, Intake
17 method.

18 Do you notice that?

19 A. Yes. It says EXPLORE.

20 Q. And it says EXPLORE.

21 Okay. And if you flip to the second page
22 of this document, talks about the date of the
23 discussion, 9/13 of 2019.

24 That was the date you received the warning
25 letter, right?

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1 A. Yes.

2 Q. And then where it explains why
3 management's actions were unfair, does -- if you
4 could read the beginning part of that paragraph,
5 does that look like words you had submitted to
6 FedEx?

7 A. (Reviewed document.) Looks like it, yes.

8 Q. Okay. You allege that you have suffered
9 emotional distress damages because of the issues
10 that you experienced at FedEx, correct?

11 A. Yes.

12 Q. Can you describe for me the three most
13 emotional distressing things that have occurred to
14 you in your life?

15 A. Can you repeat the -- the question,
16 please?

17 Q. Right.

18 Can you describe for me the three most
19 emotional distressing things or events that have
20 occurred to you in your life?

21 A. The experience at FedEx of discrimination
22 and retaliation; the termination after being falsely
23 accused of poor performance and inconsistencies with
24 my evaluation to my white peers; and I would say
25 number three, the death of my father.

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1 Q. And if you had to rank those three
2 experiences, how would you rank them?

3 A. As I shared, the number one would be the
4 entire process of discrimination and retaliation
5 from Michelle Lamb and getting no help from HR or
6 anybody in the organization to really evaluate the
7 facts and inconsistencies.

8 Q. Okay. So you -- so you believe that's the
9 most emotional distressing thing that has occurred
10 to you in your life?

11 A. Yes. Two, termination and, three, my
12 father.

13 (Exhibit 58 marked.)

14 Q. Okay. Hand you what has been marked
15 Exhibit 58. These are your responses to FedEx's
16 interrogatory answers.

17 Have you seen this document before?

18 A. Yes.

19 Q. And you signed it on the last page, right?

20 A. Yes.

21 Q. Have you reviewed this document since you
22 signed it in November of 2021?

23 A. Yes.

24 Q. When was the last time you reviewed the
25 document?

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1 A. A couple days ago.

2 Q. Turning to page 2 of this document, you
3 list a Dr. Diane Nuar --

4 A. Yes.

5 Q. -- as a therapist?

6 A. Yes.

7 Q. When did you start treating with Dr. Nuar?

8 A. It has been years ago. Dr. Nuar has been
9 my therapist for a few years now.

10 Q. Okay. Did you start treating with him
11 before you were terminated from FedEx?

12 A. It's a her. Yes.

13 Q. Her. Yeah. Thank you.

14 Did you start treating -- is she based in
15 Houston?

16 A. Yes.

17 Q. Okay. So obviously you started treating
18 with her after you moved to Houston. Is that fair?

19 A. Yes.

20 Q. All right. If you moved to Houston around
21 2017, does -- can you provide an estimate when you
22 started treating with her?

23 A. I didn't move to Houston in 2017.

24 Q. When did you move to Houston?

25 A. I moved prior to that when I was the

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1 business sales field district sales manager at the
2 beginning in -- or the end of 2015.

3 Q. Okay. All right. So when did -- if you
4 moved here in 2015, when did you start treating with
5 her? Can you provide a better estimate?

6 A. I don't recall exactly when the specific
7 date I started seeing Dr. Nuar.

8 Q. Was it a particular issue that caused you
9 to go start seeking treatment from Dr. Nuar?

10 A. Yes.

11 Q. What was the issue?

12 A. The treatment that I was receiving from
13 Michelle Lamb and the lack of support that I was
14 receiving from FedEx HR to protect me instead
15 retaliate against me.

16 Q. And when did you -- are you still seeking
17 treatment from Dr. Nuar?

18 A. Yes, remotely.

19 Q. Okay. And how often are you treating with
20 her now?

21 A. Every few months. We don't go every week
22 or month anymore.

23 Q. Okay. Did Dr. Nuar ever prescribe any
24 medications to you?

25 A. No.

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Q. Did doctor Nuar ever share with you any diagnosis she made of -- of you?

3 A. No.

4 Q. When you were working for Ms. Lamb and you
5 were treating with Dr. Nuar, during that time period
6 how often would you treat with Dr. Nuar?

7 A. It ranged from biweekly to monthly. It all
8 depended on how I was feeling, what I was
9 experiencing.

10 (Exhibit 59 marked.)

11 Q. Okay. Hand you what has been marked as
12 Exhibit 59. It's your W-2 earnings.

13 MR. BABCOCK: Mr. Sanford, I noticed
14 my paralegal did not redact her Social Security
15 number.

16 MR. SANFORD: Oh.

17 MR. BABCOCK: So if you'd like, why
18 don't -- can you scratch it off on the original
19 exhibit so it's not there.

THE WITNESS: Give it to you?

21 MR. SANFORD: I want the original. Is
22 that the only place?

23 MR. BABCOCK: I think that's -- I
24 think it's only on there one place.

25 MR. SANFORD: On one place? Okay.

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1 MR. BABCOCK: Oh, no, it's --

2 MR. SANFORD: There it is again, too,
3 here.

4 THE WITNESS: Right here, too.

5 MR. BABCOCK: Yeah, it's all the way
6 across.

7 Q. While he's doing that, you can look at my
8 copy --

9 A. Okay.

10 Q. -- of Exhibit 59.

11 Did you receive wages from anyone but
12 FedEx in 2019?

13 A. Yes, this shows my tax return here.

14 Q. Okay. My question was: Did you receive
15 any wages from anyone else besides FedEx?

16 A. In 2019, no.

17 Q. Okay. And in Box 1, it references the
18 wages, tips, and other compensation you received
19 from FedEx, correct?

20 A. Yes.

21 Q. Looks like it also indicated you were
22 contributing to a 401(k), correct?

23 A. Yes.

24 Q. All right. Put this back.

25 A. It is back. Okay.

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1 MR. BABCOCK: Counsel, I'm going to
2 hand this to you so I'm not walking around with it.

3 MR. SANFORD: I don't need it.

4 MR. BABCOCK: I have another copy of
5 it.

6 MR. SANFORD: Okay.

7 MR. BABCOCK: So I'll give you all the
8 copies of them.

9 MR. SANFORD: Okay.

10 Q. Can you describe for me the symptoms of
11 the emotional distress that you believe you suffered
12 because of FedEx?

13 A. Yes. It was very stressful. I had
14 anxiety, depression, sleeplessness, weight gain,
15 nightmares, humiliation, embarrassment, frustration,
16 disappointment, sadness, anger. The list could go
17 on and on.

18 Q. Okay. Have you -- has any medical
19 professional ever prescribed you any medication for
20 any of these symptoms?

21 A. No.

22 Q. All right. And are you still experiencing
23 sleeplessness?

24 A. Yes.

25 Q. When did you first begin -- has any -- did

1 any doctor ever tell you you were paranoid?

2 A. No.

3 Q. Did you ever seek treatment from a
4 psychologist?

5 A. No.

6 Q. Ma'am, are you able to pinpoint the event
7 at FedEx when you first began experiencing the
8 emotional distress?

9 A. It began in -- around October of 2017
10 because of the stress of the pricing with
11 BJ Services and us not being able to get it
12 resolved, and it continued my entire -- rest of my
13 career under Michelle Lamb's leadership due to the
14 negative adjustment of BJ Services, the improper
15 alignment of 4G Dental, her inconsistently holding
16 me to different standards than my white peers,
17 putting me on a letter of counseling with four
18 quarters instead of six quarters compared to my
19 white peer, her not allowing me to go to Pathway and
20 denying me that privilege where my white peers were
21 given the opportunity go in Dallas. It went on and
22 on with the discrimination and retaliation given by
23 Michelle Lamb.

24 Q. Okay. And does that refresh your memory
25 on when you may have sought -- did you seek

1 treatment from Dr. Nuar right when you started
2 experiencing this emotional distress?

3 A. I started seeing Dr. Nuar -- I don't
4 recall specifically what date, but the issues that I
5 had with stress, I went to see Dr. David Wolf, who
6 is listed on there as well.

7 Q. Okay. When did you start seeing Dr. Wolf?

8 A. I've been -- I have been seeing Dr. Wolf
9 for maybe four years or so just because the issues
10 with my stomach continue to progress and the stress
11 to -- it definitely increased the sharp pains and
12 the issues that I was having with my stomach and
13 esophagus. So it was an ongoing process of
14 surgeries and evaluations that he suggested to try
15 to repair that.

16 Q. Okay. And did those -- when did those
17 issues start? When did you start experiencing the
18 issues that you had to seek treatment with Dr. Wolf?

19 A. It escalated with Dr. Wolf. I can't
20 recall specifically what date without looking at my
21 medical records.

22 Q. Okay. And did Dr. Wolf diagnose you with
23 any conditions?

24 A. Yes. He said that there was issues with
25 my esophagus and a potential hypo hernia due to

1 different digestive things, but he related them all
2 to stress, the impact of stress caused them to
3 increase in intensity, and it caused issues with
4 acid reflux. So many different things were impacted
5 by the dry heaving of, you know, me intaking and
6 breathing and not being able to process foods the
7 right way. But all of that he boiled down to was
8 intensified because of stress.

9 Q. Okay. And did the issues with your
10 stomach or esophagus start prior to the BJ
11 adjustments issue in 2017?

12 A. They intensified around that time.

13 Q. All right.

14 A. On one of those notes, it shows that
15 Michelle -- me asking her for time off so that I
16 could have a procedure to get that evaluated.

17 Q. Okay. So the surgery you were going to?

18 A. Was during my time under Michelle Lamb's
19 leadership.

20 Q. Okay. And that was the surgery with
21 Dr. Wolf?

22 A. Yes.

23 Q. Excuse me.

24 Did Dr. Wolf prescribe you any medications
25 at all during your treatments?

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1 A. Yes, a variety of different medications.

2 I don't have the specific list of what they are.

3 Q. Are you on any medication now?

4 A. Only birth control. That's the only
5 medicine I'm on.

6 Q. Okay. How long were you on -- strike
7 that.

8 Were you on the medications from Dr. Wolf
9 because of the issues with your stomach and/or
10 esophagus?

11 A. And the stress that intensified the
12 esophagus and the function of the esophagus and the
13 digestive lining in my stomach. So all of those
14 were impacted because of stress.

15 Q. Can you estimate when you started taking
16 medication or when he first prescribed medication?

17 A. Without looking at my medical records, I
18 cannot.

19 Q. Okay. How did you take -- once you
20 started taking medication that Dr. Wolf prescribed,
21 did you continue to take that medication through the
22 remainder of your tenure at FedEx?

23 A. Yes, a different variety of them but I had
24 to stop before the end of my tenure with FedEx
25 because it started to impact my liver.

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1 Q. Okay.

2 A. I'm not on medication now for it. I can't
3 take it.

4 Q. All right. Are you still seeking
5 treatment from Dr. Wolf?

6 A. I am not. He has transitioned me to a
7 local doctor here in the North Richland Hills area
8 of Eric Miller.

9 Q. Is that Eric Miller or Eric Hill?

10 A. Hill. I apologize.

11 Q. That's fine.

12 And when did you start seeing Dr. Hill?

13 A. Shortly after my move from Houston because
14 I still -- I mean, it's an ongoing process. I have
15 to seek medical attention to evaluate these issues,
16 so I have been under Dr. Hill's treatment for quite
17 some time. I had a surgery with him also.

18 Q. What was the surgery on?

19 A. For them to try to look at the damage
20 caused to my esophagus and determine if they needed
21 to repair anything in the esophagus in addition to
22 looking at my colon and other things that have been
23 impacted due to the strain of the dry heaving over
24 such a long period of time.

25 Q. Okay. And who is Dr. Alok Kushwaha.

1 A. Sorry, his last name is very difficult.

2 He's just my general doctor. Him and Dr. Hill
3 compare notes --

4 Q. Okay.

5 A. -- you know, running my blood and other
6 tests to compare and see, you know, what they could
7 do collectively to try to help me get better.

8 Q. Have either of them prescribed you
9 medication?

10 A. They did. But after looking at Dr. Wolf's
11 recommendations, I was removed from even having that
12 prescription because I couldn't take it.

13 Q. Ma'am, do you use social media at all?

14 A. I do.

15 Q. What social media do you use?

16 A. I use LinkedIn. I use Facebook. I use
17 Instagram.

18 Q. Okay.

19 A. And I look at TikTok. I don't have a lot
20 of activity -- activity on TikTok, but I have posted
21 a few videos.

22 Q. Okay. And on any of that social media,
23 did you ever post about your experiences at FedEx?

24 A. Some of the customer engagements and
25 celebrations and team building with my team and with

1 my peers throughout my career in collaboration with
2 couriers and community service events like March of
3 Dimes, things of that nature, yes.

4 Q. Did you ever post on any of the social
5 media sites about the issues you were having at
6 FedEx?

7 A. No.

8 Q. All right. After you were terminated at
9 FedEx, you eventually got a job in Houston, right?

10 A. I did not.

11 Q. Not in Houston; in the Dallas area,
12 correct?

13 A. Correct. I could not find a job in
14 Houston.

15 Q. And that was with Brinks Home?

16 A. Yes, that is correct.

17 Q. And what kind of business is Brinks Home?

18 A. Security.

19 Q. Okay. What is it that you do for Brinks
20 Home?

21 A. I did. I no longer work for Brinks Home.
22 I was a district sales manager for a field sales
23 team as well.

24 Q. When did you leave Brinks Home?

25 A. I didn't leave. We were all laid off in

1 December of 2021.

2 Q. Okay. You have in your interrogatory you
3 started with them around September 30 of 2020.

4 Does that sound right?

5 A. That is correct.

6 Q. Okay. And so what did you do, if
7 anything, between January 7, 2020, and starting the
8 job at Brinks Home?

9 A. I applied for hundreds and hundreds of
10 jobs. I connected with recruiters and headhunters
11 on LinkedIn and tried to leverage my premium
12 LinkedIn account to be able to look for
13 opportunities. I also worked with the Texas
14 Workforce Commission because I was receiving
15 unemployment to try to find jobs with them. I
16 looked on Indeed. I looked on Glassdoor. I
17 utilized all the resources possible to try and find
18 a job.

19 Q. Okay. And where are you working now?

20 A. I work for McKesson.

21 Q. And what do you do for McKesson?

22 A. I'm a pharmacy sales consultant.

23 Q. When did you start that sales position?

24 A. I started that position in April. The
25 first position that I held with McKesson, I started

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1 in February and have already since been promoted.

2 Q. You started in February of twenty --

3 A. '22.

4 Q. Okay. And what's your current job title?

5 A. Pharmacy sales consultant. I started
6 originally as a sales solution manager.

7 Q. Okay. And as a pharmacy sales consultant,
8 do you supervise anyone?

9 A. I do not.

10 Q. Did you supervise anyone when you worked
11 at Brinks Home?

12 A. I did.

13 Q. How many people did you supervise?

14 A. That ranged. It started at five, and as
15 the customer engagement transitioned from COVID, it
16 went to six, and the expectation was eight, but we
17 never got there due to issues with hiring and
18 turnover in the industry because it was door-to-door
19 sales.

20 Q. And how much do you make per year in your
21 current position?

22 A. At McKesson, 72,000, and I have the
23 potential of earning commission based on my
24 performance.

25 Q. Okay. Is there a floor or a ceiling to

1 the commission payments you might earn?

2 A. I haven't seen any documentation of that.

3 They just changed the compensation, so we haven't
4 seen any specifics on a floor or a layout of that.

5 MR. BABCOCK: I assume, Mr. Sanford,
6 you will update your discovery?

7 MR. SANFORD: Yeah.

8 MR. BABCOCK: Okay.

9 Q. I think I can get all the rest of the
10 information from your counsel on that.

11 Have you talked to any FedEx employees
12 since your termination from FedEx?

13 MR. SANFORD: I'm going to instruct
14 you not to answer that. We claim work product for
15 any communications.

16 Q. Did you have -- do you understand my
17 question, ma'am?

18 A. Yes.

19 Q. Are you going to listen to your attorney's
20 advice and not answer it?

21 A. Yes.

22 Q. Okay. I'm going to lay some more
23 foundation.

24 Did you have -- I don't think your
25 attorney wants you to tell me who, so listen to my

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1 question carefully. Okay?

2 Have you spoken to anyone who worked at
3 FedEx since your termination from FedEx outside the
4 presence of your attorneys or anyone that works for
5 your attorneys?

6 MR. SANFORD: And I instruct you not
7 to answer that question either.

8 THE WITNESS: Okay.

9 MR. BABCOCK: What's the basis of
10 that?

11 MR. SANFORD: Work product.

12 MR. BABCOCK: On who a nonlawyer talks
13 to?

14 MR. SANFORD: Yes. Work product
15 applies to parties and attorneys. The rule has it.
16 The initial case talks about it. Yes.

17 MR. BABCOCK: Okay.

18 Q. Did you understand my question, ma'am?

19 A. Yes.

20 Q. You're not going to answer the question;
21 you're going to listen to your attorney's advice?

22 A. Yes.

23 MR. BABCOCK: Why don't we go ahead
24 and take a break.

25 THE VIDEOGRAPHER: Off the record at

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1 4:52.

2 (Recess 4:52 p.m. to 5:17 p.m.)

3 THE VIDEOGRAPHER: We are back on the
4 record at 5:17.

5 (Exhibit 61 marked.)

6 Q. You've been handed what has been marked as
7 Exhibit 61. It's a copy of your initial
8 disclosures.

9 Have you seen this document before, Miss?

10 A. Yes.

11 Q. Okay. Starting on the bottom of page 1
12 and -- to page 8, you list several numerous
13 individuals. And have you spoken to any of these
14 individuals since your termination from FedEx?

15 MR. SANFORD: I instruct you not to
16 answer. Work product.

17 Q. Do you understand my question?

18 A. Yes.

19 Q. If I ask the same question -- so I guess
20 let me set the -- let me lay the foundation for the
21 first one --

22 MR. SANFORD: Sure.

23 Q. -- and we'll see what we can do.

24 All right. So you identify Chelsea
25 Bullock on the bottom of page 1, right?

1 A. Yes.

2 Q. And it says you don't know the person's
3 address; is that true?

4 A. Yes.

5 Q. And it also says that the telephone number
6 is unknown at this time; is that true?

7 A. Yes.

8 MR. SANFORD: You can answer that.

9 Q. And you then resuscitate on the top of
10 page 2 what you believe the subject of the
11 information that this Ms. Bullock may have to
12 support your claims against FedEx, correct?

13 A. Yes.

14 Q. Okay. When was the last time you spoke to
15 Ms. Bullock?

16 MR. SANFORD: If it -- if it --

17 MR. BABCOCK: I'll rephrase my
18 question. I know what you're trying to get at.
19 Sorry, Mr. Sanford.

20 Q. Have you spoken to Ms. Bullock since your
21 termination from FedEx?

22 MR. SANFORD: I instruct you not to
23 answer that question based on work product doctrine.

Q. Do you understand my question, ma'am?

25 A. Yes, I understand your question.

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1 Q. Okay. And do you intend to follow your
2 attorney's advice and not provide an answer?

3 A. Yes, that's correct.

4 Q. Would that be the same scenario we would
5 go through for all these individuals --

6 MR. SANFORD: Yes.

7 Q. -- going up to page, I guess, 8 --

8 MR. SANFORD: Yes.

9 Q. -- ending in Miriam Zapata? Zapata?

10 A. Zapata.

11 Q. Thank you.

12 A. Uh-huh.

13 MR. SANFORD: Yes, we claim it for all
14 witnesses after she was terminated.

15 MR. BABCOCK: Okay.

16 Q. So what you've been saying for a large
17 portion of the day, at the beginning, we talked
18 about -- we talked about the three -- you're one of
19 three black managers in sales at FedEx.

20 Do you recall that?

21 A. District sales manager in the field sales
22 organization.

23 Q. All right. And you -- this morning you
24 recalled the first name of one of those individuals,
25 correct?

1 A. Kristen Hunter, yes.

2 Q. Oh, we now know her last name, perfect.

3 A. I knew her last name earlier. I stated
4 it.

5 Q. All right. And the other individual was
6 based in California, correct?

A. Yes. I don't recall her name.

8 Q. Okay. Did you ever talk about with
9 Ms. Hunter your concerns of race discrimination at
10 FedEx?

11 A. Yes.

12 Q. Okay. And when did you talk to Ms. Hunter
13 about those concerns?

14 A. On several occasions. I can't recall
15 specifically what date.

16 Q. Okay. Did any of those occasions -- have
17 you spoken to Ms. Hunter since your termination from
18 FedEx?

19 MR. SANFORD: Instruct you not to
20 answer that question based on work product.

Q. Did you understand my question, ma'am?

22 A. Yes.

23 Q. Do you intend to follow your attorney's
24 advice not to answer that question?

25 A. Yes.

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1 Q. And same question -- well, I'll start the
2 questions over.

3 For the person you don't remember her name
4 at all, can you describe what she looks like?

5 A. She is African-American, she's tall, has
6 about shoulder-length hair.

7 Q. Do you recall what she did at FedEx before
8 she became a manager?

9 A. Yes. She was a worldwide account manager.

10 Q. Okay. Do you recall any of her
11 supervisors when she worked at FedEx?

12 A. I can't recall who was in the worldwide
13 manager organization for California, no.

14 Q. Okay. Do you recall her -- who her
15 managing director was when she was promoted into
16 management?

17 A. No.

18 Q. Okay. And did you ever speak to this
19 unnamed individual in California about your concerns
20 of racial discrimination at FedEx?

21 MR. SANFORD: The question is -- and
22 I'm going to limit it --

23 MR. BABCOCK: I'm sorry.

24 MR. SANFORD: You know my --

25 MR. BABCOCK: Let me rephrase it.

1 MR. SANFORD: Okay.

2 Q. Don't answer that question yet.

3 Did you have any discussions with this
4 unnamed individual prior to your termination from
5 FedEx about the concerns you had about racial
6 discrimination at FedEx?

7 A. No.

8 Q. Have you spoken to that individual -- have
9 you ever -- did you ever speak to that individual on
10 the telephone while you worked at FedEx?

11 A. Yes, when she was scheduling her shadowing
12 to come to Memphis.

13 Q. Okay. And have you spoken to that
14 individual since your termination from FedEx?

15 MR. SANFORD: And I instruct you not
16 to answer based on work product.

17 Q. Did you understand my question, ma'am?

18 A. Yes.

19 Q. Are you intending to listen to your
20 attorney's advice and not answer that question?

21 A. Yes.

22 Q. Is there -- can you describe for me,
23 ma'am, why you rank the death of your father as less
24 emotionally and distressful to you than your
25 experiences at FedEx that you identified earlier in

1 the deposition?

2 A. Because FedEx's process was really, really
3 impactful and will be impactful for the rest of my
4 life. When I think about everything that I
5 experienced with trying to get help from HR and Dave
6 Russell and Dan Mullally, it's, like, you can't go
7 anywhere for help. It's like someone slowly giving
8 you poison.

9 It's, like, okay, I'm trying to turn to HR
10 for a resource to get help and identify the unfair
11 treatment and the continued discrimination and
12 retaliation of me and the treatment that I was given
13 different from my white peers. And you continue to
14 escalate concerns, and then after that, you're
15 retaliated.

16 So it's an ongoing process of you trying
17 to allow FedEx to be held accountable to prevent
18 discrimination and retaliation in the workplace, but
19 nobody is listening. They're doing sham
20 investigations. They're not interviewing witnesses.
21 They're not evaluating all of the evidence that has
22 been given.

23 So I think about that process and the
24 termination higher than the death of my father
25 because it was ongoing and will be ongoing for the